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Walmart Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KATHRYN KELLY, an individual

Plaintiff,

v.

WALMART INC.; DOES I-X, and ROE
CORPORATIONS I-X, inclusive;

Defendant(s).

Case No.: 2:20-cv-01129-GMN-EJY

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

[SECOND REQUEST]

Plaintiff KATHRYN KELLY (hereinafter “Plaintiff”) and Defendant WALMART INC. (hereinafter “Defendant” or “Walmart”), by and through their respective counsel of record, do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in this matter for a period of forty-five (45) days for the reasons explained herein.

Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the second such discovery extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
- Defendant has served written discovery to Plaintiff and Plaintiff has submitted timely responses;
- Plaintiff has served upon Defendant written discovery and Defendant has submitted timely responses;
- The parties have filed all required documents pursuant to ECF 2 to date;
- Plaintiff has provided provider specific authorizations;
- Defendant's responses to Plaintiff's written discovery;
- Deposition of Plaintiff;
- Plaintiff to notice Defendant's 30(b)(6) deposition.

DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

- Depositions of Plaintiff's treating physicians;
- Depositions of fact witnesses;
- Disclosure of experts by both parties;
- Depositions of expert witnesses and rebuttal expert witnesses; and
- Plaintiff deposition of Defendant's 30(b)(6) deponent.

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is appropriate, as the Plaintiff's deposition was re-scheduled, and Defendant's 30(b)(6) Deponent is not available until early January 2021. Defendant is also awaiting subpoenaed Plaintiff's medical records. These medical records are required to retain an expert and to provide a complete report, so the matter is decided on the merits. Accordingly, the parties have agreed to a 45-day discovery extension.

The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

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~~PROPOSED~~ NEW DISCOVERY DEADLINES

Expert Disclosure Deadline:

Currently: December 1, 2020

Proposed: **January 15, 2021**

Rebuttal Expert Disclosure Deadline:

Currently: December 31, 2020

Proposed: **February 15, 2021**

Discovery Cut-Off Date:

Currently: January 30, 2021

Proposed: **March 16, 2021**

Dispositive Motion Deadline:

Currently: March 1, 2021

Proposed: **April 15, 2021**

Proposed Joint Pre-Trial Deadline:

Currently: March 29, 2021

Proposed: **May 13, 2021**

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 13th day of November, 2020.

GINA CORENA & ASSOCIATES

/s/ Manha Pourshaban

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Attorneys for Plaintiff

Kathryn Kelly

DATED this 13th day of November, 2020.

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Latisha Robinson

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: November 13, 2020